

Unto his Grace His Majesties high Commissioner,
and Honourable Estates of Parliament.

The Petition of

Mr. William Gordon of Balcomy Advocat, Elisabeth Wood his Spouse, Mary Gordon their Daughter, Jean Gordon and Andrew Edison their Servants, and Alexander Burnett sometime Factor to Sir Thomas Burnett of Lyes,

Humbly sheweth,

That albeit by the constant and uncontraverted Laws and Practick of this Kingdom, the Crimes of Oppression, and intruding upon any mans Right and Possession, by open violence, bangstrie, and oppression, and the imploying and sending out of Officers and Souldiers under daily pay, or imployed and intrusted by his Majesty, for preservation of his Majesties Leidges, and defaming them by open Proclamations, or Placads at Church-doors upon the Sabbath day, and discharging his Majesties Leidges to correspond, buy or sell with any free Leidge, under severe penalties; and the breaking up of doors under cloud and silence of night, and the wounding and beating of his Majesties Leidges; as also, the illegal Quartering of Souldiers under his Majesties Pay upon any of the Subjects, and blocking up of any of his Majesties Leidges within their own dwelling-house, and threatening to blow up the same with Gun-powder, and not allowing them and his Majesties or their Subjects, to converse and go in to correspond with others, and threatening to kill any that should look out at the Windows, be Crimes of a high nature, and severely punishable, especially where the same is done, and committed by persons intrusted by his Majesty, for defence and preservation of the Subjects, their Rights and Possessions, and Peace of the Kingdom, and out of a covetous and finistruous design, to force any of the Subjects, out of their just Rights and Possessions, and to compell them by such unjust methods and practices, to make over and dispoise their Lands, Estates, Rights and Possessions, at such unreasonable rates, as the actors and contrivers thereof think fit to propose, be Crimes of an high nature, and severely punishable.

Nevertheless it is of verity, that Sir William Hope Deputy Governour of the Castle of Edinburgh, Mr. James Balfour Son to the late Lord Forrester, Mr. George Arnot Writer in Edinburgh, James Fairfoul late Commissar of Breichin, Thomas Colvill Indweller in Cryll, Corn-caster to the said Sir William, Robert Philp younger there his Barn-man, John Conper there his Barn-man, James Anderson in Pittowie, James Bell his Officer, Serjeant Hugh Millar In the Castle of Edinburgh, John Mackdonald Souldier there, Thomas Watson there, Macknab there, Hugh Wilson and Logan Souldiers there, and Gardener to the said Sir William, and Souldier there, and Serjeant Robert Andrew in Colonel Rows Regiment, are guilty of, and have presumed to commit the Crimes above-written, in swa far as I the said Mr. William Gordon being in the peaceable possession of the Mannor Place of Balcomy-yards and Orchards, Dove-coats, and Office-houses thereto belonging, and of the drawing of the Teind-sheaves *ipsa corpora* of the Lands and Barrony of Balcomy and Kilminnan, and of the Fish-Boats thereto belonging, severals whereof were bought and built by the said Mr. William himself; yet the said Sir William Hope having a covetous design to make a Purchas of the saids Lands and Estate of Balcomy, and to force me out from my Right and Possession of the same, he did fall upon these most unjust and oppressive methods and contrivances underwritten, viz.

1. I having imployed John Dalgarno my own Servant, to Roup the Rents of the Lands of Balcomy (the Mannor-place, Yards, Dove-coats, Teind-sheaves, and Fish-boats, being always excluded from the said Roup) I imployed the said Mr. James Balfour and Mr. George Arnot to ingage as Cautioners for John Dalgarno for the Tack-duty, for which the said Land-Estate was Roused, and caused the said John Dalgarno transmit his Right of the Roup in their favours: And for their farther security against all hazards and damage which they should happen to sustain by their undertaking the said Roup, I did dispoise in the

favours not only my Right to the drawing Teinds of the foresaids Lands, but likewise several Apprysings, and other preferable Rights which I had acquired upon the saids Lands and Estate. And albeit the saids Rights granted by me to the saids Mr. James Balfour and Mr. George Arnot, were only deeds of trust, and granted for their farther security allanerly as aforesaid; and that I had Interpelled them by a Legal Citation, to denude and renounce the foresaids Rights swa granted upon trust in my favours, as being more than satisfied by their intromissions, of all pretences they had to the Estate; yet the said Sir William Hope did so far prevail with them, upon the granting to them of a Bond of Warrandice against all hazards to perswade them to transmit that Right in his favours (albeit they were only granted upon trust) for their securitie, as said is, upon his granting to them the foresaid Bond of Warrandice against all hazard as said is, they should happen to sustain upon the account of any Back Bond, promise or condition made by them to me at their obtaining of the saids Rights, in manner foresaid.

2. The said Sir William Hope having *viis & modis* obtained the saids Rights established in his person as said is (albeit the matter was rendered litigious by a process before the Lords against the said Mr. James Balfour and Mr. George Arnot, long before the said Sir William his acquisition, yet the said Sir William immediatly after he obtained an Assignation from them in manner foresaid, did upon the twelfth day of December last bypast send a Serjeant and a Party of his Majesties Forces, and under daily Pay with him, with an express warrand under his hand of the tenor following, *viz.*

You are forthwith ordered with your Party of four Souldiers to go to the Barn-yerds of Balcomie, and take possession of the Corns, Barns, Dovecoats, Conniegairs and Teind-fishes, as ye will be answerable. Sic Subscribitur W. Hope. With a Postscript upon the end thereof, *viz.* 'Serjeant Hugh Miller observe the Orders above-written in every point, as ye will be answerable. *Sic Subscribitur W. Hope.*

In prosecution of which orders above-written, the said Serjeant and his Party did upon the 14 day of the said Month of December, or one or other of the days of the said Month, go to the Town and Lands of Balcomy, and under cloud and silence of night, break open my Barn-doors of Balcomy, wherein there was belonging to me above twenty one Bolls of Beer, and ten Bolls of Pease, worth fourteen Pound Scots per Boll, and an hundred and fifty Threave of Straw, worth one Merk per Threave, all belonging to me at the time, and imbazled and disposed of it as they thought fit, not allowing me the least share thereof, so much as one Straw for the maintenace and sustenance of twenty six Head of Horse and Cattel belonging to me at the time, by which many of them were exposed to starving, whereby I was necessitat to put the one half off below the fifth part of their value: And not being satisfied therewith, did break open the doors of my two Dove-coats, and spoiled the Lock holes thereof, and drove Iron Nails and Wadges therein, and frighted away the haill Doves out of the same, and threatned to kill and murder the Fisher-men belonging to my Boats, because they refused to deliver the said Party the proportion of Fishes belonging to me in the saids Boats, and by force, violence, and open bangestrie, intrometted with the proportion of my Fishes for fourty one days together.

And the said Sir William Hope not being satisfied with the acts of unjustice violence and oppression above-written, but apprehending I would seek a legal redress before the Judge competent, the said Sir William as a farther evidence of his malice and envy against me, did cause read publickly at the Kirk Doors of Crail and Kings-barns, and thereafter cause affix Copies upon the saids Kirk Doors, of the tenor following.

I Sir William Hope Deputy-Governour of the Castle of Edinburgh, heretable proprietor of the Lunds and Barony of Balcomy and Killminnan, by Apprysings and Infesiments of Annual-rent, Inhibite and Discharge all and sundry to buy, sell, or otherways have dealing with Mr. William Gordon pretended Heretor of Balcomy) Thereby in plain terms intercommuning me, albeit by the uncontraverted Laws and Practiques of this Kingdom, Intercommuning is only competent to his Majesty and the Lords of his Majesties Privy Council, so that the using of such Plaeds publickly, was a down right incroaching upon his Majestic and his Highness Authority, competent to his Majesty and his privy Council allennarly, exclusive of all others: By which unjust and irregular practices, the Countrey people were so a frighted, that I and my Family were so reduced to so great Straits, that we were almost at the point of starving, by reason none within these two Parishes would either buy or sell with me, even for ready Money, and the Milner of the Barony of Balcomy was so terrified, by being expressly discharged by the said Sir William himself, the said Mr. James Balfour and James Fairfoul, that he would not presume to grind any of my Corns for my own use, and no other person in the country would presume to meddle with me, or to supply me or my Family

Family in the least, for fear of the hazard of the said Sir William his severe placad and Intercommouning.

And after I had applyed to the Lords of his Majesties Privy Council, and after a full hearing of Sir William and his Lawyers at the Bar, obtained a Warrant first from the said Privy Council *in presentia*, and then from the Lords of Session, for removing the said Party, yet the said Sir William still persisting in his old Malice against me, he did upon a pretended Warrant impetrat by himself from the Sheriff-deput of Fife, send a new party of Souldiers under his Majesties dayly pay in the Castle of Edinburgh, under the command of Serjeant Robert Andrew in Collonel Row's Regiment, to continue his former Oppression against me in manner above-writen, and thereafter he sent an other Party of Soldiers under the Command of the said *Macknab* and *John Mackdonald*, who did quarter upon the Tennents of the saids Lands of *Balcomy*, and by open Force and Violence exacted Dry-quarters from them, contrair to the *Claim of Right*, and did threaten to Kill and Murder the Tennents, unless they would yoke their Horses and Carts and carry away my Corns, and forced them to carry away the same both Corn and Fodder, without either proofing the same, or telling the Threeves thereof; And of new again did break open my Barn-Doors, and did carry away the Corns therein, with all the Flails, Raiks, Keys, Sacks, Canvases, and other Materials with them, all which they did say was by a Warrant from the Lords of Council and Session, which the said James Fairfoul did read to the saids Tennents, and that the Lord Presidents Hand and all the rest of the saids Lords Hands were at the samen, and did cut and destroy about thirteen great growing Trees about forty years old at least, and burn them in the Barns then full of Corns.

And did fall upon the said Mary Gordon a Child of 12 years of age my Daughter, and thrust and threw about, and disjoynted her Arm with that Violence, that being disjoynted, it instantly swelled so extreemly, that for many days thereafter she was not able to make use of the same; likeas, the persons above complained upon, did upon the day of *February* last, or one or other of the days of the said Month, fall upon the said Alexander Burnet, and gave him many cruel and bloody Wounds upon the Head, and blae Stroaks upon his Body, and left him for dead upon the place, so that his Life and Recovery was dispared of.

Likeas upon the thirty day of *July* last bypast, or upon one or other of the days of the said Month, the said James Fairfoul being expressly imployed and hounded out by the said Sir William Hope, did come to the Harbour of *Fifeness*, where Jean Gordon the Complainers Servant was uplifting the petty Customs, whereof the Complainer had been in possession for many years preceeding, and after many execrable Oaths, and villanous, obscene, and approbrious Expressions (which are unworthy to be named or heard of among Christians) he did most cruelly and barbarously fall upon the said Jean Gordon, and with a Staff or Batton of a prodigious bigness, and therewith did so cruelly and Barbarously beat the said Jean Gordon upon the Back, Sides and Arms, that for many days thereafter she was not able to stand, go, or walk abroad, but keepest her Bed continually, during which time her Recovery was dispared by many persons: As also upon the 2d day of *August* thereafter, the said James Fairfoul did with the foresaid Rung or Staff, most cruelly beat *Andrew Edison* and others the Complainers Servants so, that for many days thereafter he was rendred unable to go about his Work and Business as formerly, and thereafter the said James Fairfoul did offer to kill him dead, because he was mumuring and complaining of the severe Stroaks he had received from him: Likeas, upon one or other of the days of the said Month of *August*, when *Elisabeth Wood* the Complainers Wife was uplifting the small Customs at *Fifeness*, the said James Fairfoul did draw a Pistol, and threaten to kill the said Elisabeth, and being informed that the said Elisabeth had uplifted some of the small Customs at *Fifeness*, he did fall upon the Complainers Wife, and strained and backbended her Fingers, and held her in great pain and torment, until he or some of the Castle Souldiers that were with him, by open Force and Violence robb'd all the Money that was upon her at the time, and having drawn a Pistle, and offered to shut the Complainers Wife, and she having asked how he came to wear Arms, since he was not qualified in the terms of the Act of Parliament, the said James Fairfoul did most insolently answer, that he did not care with a great deal of deference and respect to your Grace and honourable Estates a part of his *Arms* for all that the Parliament could do, and that he would cause Sir William Hope send a greater Party of Castle Souldiers to call up her Baggage, and immediatly thereafter fell upon Jean Gordon the complainers Servant, and beat her most cruelly with a great Batton; And about the 30 day

day of *August* last bypast, when the complainers Wife was gathering up the teind Lint, whereof he had been in Possession for many years preceeding, the said *James Fairfoul* did come to the Ground, and after many uprobbious Threatnings and Expressions, did by Force and Violence carry away the hail Lint that was upon the Ground, both Stock and Teind, and disposed thereof as he pleased; Likeas, upon the 26 day of *August*, or one or other of the days of the said Month, the said Sir *William* did send *John Mackdonald* and *Thomas Watson*, two Souldiers of the Castle of *Edinburgh* to the said Town and Mains of *Balcomy*, with a number of others their Associates, who broke up the complainers Barn Doors, and took possession thereof at their own hands, and forced the Tennents of the Barrony of *Balcomy* to furnish them with Bedding and other Necessaries, threatening to ruine and destroy all those who would not obey their unjust commands, and actually forced many of the said Tennents to give them Dry-quarters, and continued so forning upon the said Tennents until the 16 *October* thereafter.

By all which the said Sir *William Hope*, and the other persons above complained upon, are guilty at least as Actors, at least as airt and part of the Ryots, Violence and Oppressions and others above-complained upon, for which they ought not only to retound and pay to me the sum of twenty thousand Merks, as Damage, Loss and Prejudice sustained by me through their foresaid iliegal procedure, Unjustice and Oppression, and in the mean time be discharged for any ways meddling with the Mails, Farms and Duties of the said Lands, during the Tack set by the Lords of Session, but that the Profits and Emoluments thereof may fall, appertain and belong to me, but likeways to be furdur punished in their persons and Goods, to the Example and Terror of others to do the like in time coming.

May it therefore please your Grace and honourable Estates of Parliament, that I may have Letters direct to summond warn and charge the persons above-complained upon, to compear before your Grace his Majesties high Commissioner, and honourable Estates of Parliament, to answer to the Points above complained upon, and also to cite Witnesses conform to the Act of Parliament, Intituled an Act anent Procces and Citations before the high Court of Parliament, According to Justice and your Petitioner shall ever pray, &c.